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No. 555

In the Supreme Court of the United States

OCTOBER TERM, 1929

THE UNITED STATES OF AMERICA, PETITIONER

v.

ALFRED E. NORRIS

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT

MOTION TO REASSIGN FOR ARGUMENT

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The Attorney General moves that the above-entitled case, heretofore assigned for argument at the head of the call on Monday, April 14, next, be reassigned for argument at the head of the call on Monday, April 28, next, and as grounds therefor respectfully represents:

1. The case is before the Court on writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted March 3, 1930, upon application of the United States. It involves the question whether one who repeatedly procures the shipment to him of intoxicating liquor for his personal consumption as a beverage is guilty of having con-

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spired with the consignor to transport such liquor in violation of the National Prohibition Act. In deciding that question in the negative the Circuit Court of Appeals based its decision in part on the ground that the purchase of liquor for beverage purposes is not an offense.

2. The case of *United States* v. *James E. Farrar*, No. 732, docketed in this Court on March 12, 1930, involves a construction of the National Prohibition Act on the question whether it prohibits the purchase of intoxicating liquor without a permit from the Commissioner of Prohibition, and arises out of the quashing of an indictment charging Farrar with the purchase of intoxicating liquor in violation of said Act. The case has been brought to this Court by the United States under the provisions of the Criminal Appeals Act of March 2, 1907, c. 2564, 34 Stat. 1246 (U. S. C., Title 18, Sec. 682), which provides that such cases shall have precedence over all other cases.

3. Although the Government does not consider that the question involved in the *Farrar case* requires decision in the *Norris case* it will undoubtedly be urged in this Court by the respondent in the latter case. It is therefore believed that the argument of the *Farrar case* should immediately follow the argument of the *Norris case* in order that the two cases may conveniently be considered and disposed of by the Court at the same time. By reason of the period which must elapse under Rule 12 of this Court before the statement of jurisdic-

tion may be submitted, it will be impossible to have the *Farrar case* ready for argument prior to April 28, 1930. Therefore, this motion is presented.

Opposing counsel concur.

Respectfully submitted.

WILLIAM D. MITCHELL,
Attorney General.

MARCH, 1930.

U. S. GOVERNMENT PRINTING OFFICE, 1930